

IN THE COURT OF CRIMINAL APPEALS OF TEXAS

VICTOR ORTIZ GONZALEZ  
*APPELLANT*

VS.

THE STATE OF TEXAS,  
*APPELLEE*

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FILED  
COURT OF CRIMINAL APPEALS  
10/21/2019  
DEANA WILLIAMSON, CLERK

**MOTION FOR EXTENSION OF TIME  
TO FILE APPELLANT'S BRIEF**

COMES NOW, VICTOR ORTIZ GONZALEZ, Appellant, by and through his attorney, ROBERT K. GILL, and files this his Motion for Extension of Time to File Appellant's Brief in the above-styled and numbered cause requesting an additional thirty (30) days; and in support of his Motion would show this Honorable Court as follows:

I.

Appellant was convicted of the offenses of aggravated assault of a public servant and evading arrest or detention in a vehicle. Appellant was sentenced to confinement in the Texas Department of Criminal Justice—Institutional Division for forty-five years and a \$10,000 fine for the aggravated assault charge and twenty years confinement and a \$10,000 fine for evading. The Second Court of Appeals reversed the conviction for aggravated assault. The State of Texas then filed a petition for discretionary review which was granted by this Honorable Court.

II.

Pursuant to the Texas Rules of Appellate Procedure Appellant's brief is due to be filed in this Honorable Court on Monday, October 21, 2019.

Because of other cases and court business, counsel for Appellant has not been able to

devote full time to Appellant's brief in the above-styled and numbered causes. Most of counsel's practice is in Tarrant County, Texas. There are 20 criminal courts in Tarrant County, and they set cases throughout the week for docket call. On average counsel answers dockets at least five days out of each week, a process which often requires attending court for up to half a day to accomplish the requirements of the court. In addition to court settings in Tarrant County, counsel has also attended court settings in Cooke, Denton and Ellis counties over the last forty-five days.

Additionally, counsel was in trial in Criminal District Court No. 4 of Tarrant County the week of September 9, 2019. The case was the State of Texas v. Francisco Vasquez, case number 1502102, in which Mr. Vasquez was charged with murder. Counsel was in trial on this case until September 16, 2019. In addition to the time needed to try the case, counsel needed additional time to prepare for trial.

Counsel was out of the country on a long-planned vacation from September 17 through September 26, 2019.

Upon return from vacation, counsel was called to trial on the State of Texas v. Davion Oshea Tucker, case number 1588865 in the 213<sup>th</sup> Judicial District Court. Mr. Tucker was charged with the offense of capital murder. Counsel settled this case on the trial date. However, Counsel was required to spend considerable time preparing for this trial.

Counsel also argued the case of Roy Oliver v. State of Texas, case number 05-18-01057-CR, in the Fifth Court of Appeals on October 16, 2019.

Counsel is asking for a thirty (30) day extension in this case because in addition to this appeal, counsel has three other appeals due to be filed in courts of appeals approximately sixty (60)


days from the date of the filing of this motion for extension. Counsel has been ordered to file appellant Maher Ibrahim Haifa's brief in court of appeals number 02-19-00266-CR on or before November 22, 2019. Due to the above-noted obligations, Counsel has also asked for a sixty (60) day extension in the appeals of James Ray Gregory, numbers 02-19-00092-CR, 02-19-00093-CR and 02-19-00094-CR which would make Mr. Gregory's brief due on or about December 3, 2019. Counsel will also ask for a sixty (60) day extension in the appeal of Freddie D. Garrett, number 02-19-00174-CR, which would make Mr. Garrett's brief due on or about December 9, 2019. Counsel also expects to participate in several additional trials between now and January 2020.

IV.

Because of above-noted trial and appellate obligations and the day to day operations of running a law practice, counsel for Appellant requests this extension of time for thirty (30) days not for purposes of delay but because it is necessary to render Appellant his constitutionally mandated effective assistance of counsel pursuant to the Sixth and Fourteenth Amendments to the U.S. Constitution and Art. 1, Sec. 9 of the Texas Constitution.

WHEREFORE, PREMISES CONSIDERED, Appellant respectfully prays that this Honorable Court grant his Motion for Extension of Time to File Appellant's brief in the above styled and numbered cause for thirty (30) days and extend the deadline for filing Appellant's brief to Wednesday, November 20, 2019.

Respectfully submitted,

  
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BOB GILL

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**ATTORNEY FOR APPELLANT**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Motion was served via E-FILE TEXAS COURTS to the Tarrant County Criminal District Attorney's Office, Tim Curry Criminal Justice Center, 401 West Belknap, *Imaging Unit*, Fort Worth, Texas, on October 21, 2019 at [COAAppellateAlerts@tarrantcountytexas.gov].

  
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ROBERT K. GILL